

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

Writ Petition No.27486 of 2007

(DATED: 20-12-2007)

Between:

P.Babu Rao S/o Venkatanarsaiah
Occ: Agriculturist
R/o Samithi Singaram village, Manuguru (Mandal)
Khammam District.

...Petitioner

A n d

The Project Officer, ITDA-cum-Addl. Agent to Government
Bhadrachalam, Khammam District and others

...Respondents

-
-
-

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. In this writ petition, the petitioner has questioned the validity of the order of eviction passed by the second respondent- Special Deputy Collector (TW), Bhadrachalam, Khammam District, in Case No.316/2007/MGR, dated 28th September 2007.

3. The petitioner claims to be the owner and possessor of an extent of Ac.3-27 guntas in Survey Nos.64/1468, 64/1602 and 102/A in Samithi Singaram village, Manuguru (Mandal), Khammam District. It is his case that the said land was purchased by his father Pusuluri China Venkatanarsaiah on 15.7.1958 before the prohibition of land transfers from tribals to non-tribals came in to force under the A.P. (Scheduled Areas Land Transfer) Regulation 1 of 1959 (in short, "Regulation"). It is stated that earlier proceedings for eviction were initiated on the ground that the transfer of the land in favour of the petitioner was in contravention of the Regulation, at the instance of the father of the 4th respondent. But, however final orders were passed on 1st October 1991 in Case No.282/90/MGR by recording a finding that the transfer took place prior to the enforcement of the Regulation.

4. It is submitted that though the said order has become final, the impugned order of eviction was passed by the 2nd respondent- Special Deputy Collector, by order dated 28th September 2007. It is submitted that as against the said order of eviction, the petitioner preferred an appeal before the first respondent on 7.12.2007 along with a petition for interim orders.

5. It is the grievance of the petitioner that though the appeal and stay petitions were filed on 7.12.2007, the same were not being taken up for consideration and on the other hand, the respondents are taking steps for eviction of the petitioner from the scheduled land.

6. In view of the pendency of the appeal before the 1st respondent-appellate authority, it is not desirable to record any finding on merits and the various contentions raised in this writ petition. Inasmuch as the proceedings initiated in the year 1991 have already been dropped and it is stated that since purchase of the land in the year 1958, it is in continuous and uninterrupted possession of the petitioner and in view of the pendency of the appeal, I direct the first respondent-appellate authority to decide the appeal filed by the petitioner on 7.12.2007, as expeditiously as possible. It is further directed that the respondents shall not enforce the order of eviction dated 28th September 2007 till disposal of the appeal filed by the petitioner and they shall allow the petitioner to continue in possession of the land till disposal of the appeal by the first respondent.

7. Subject to the above, the writ petition is disposed of at the stage of admission. No order as to costs.

R.SUBHASH REDDY, J

20-12-2007

Note:-

Issue C.C.in

Three days

(B/o)

RAR

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

— — — — —

Writ Petition No.27486 of 2007

(DATED: 20-12-2007)